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Message Text

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43
ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 SSO-00 NSCE-00 INRE-00

L-03 /026 W
---------- 082377
O R 151655Z AUG 75
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 971
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E.O.11652: N/A
TAGS: EAIR, BR
SUBJECT: CIVAIR - CAB LETTER TO VARIG

1. ON LATE AFTERNOON AUG 14 BRIG EDIVIO CLADAS SANCTOS, PRESIDENT CERNAI, CALLED CONGEN OFFICER REGARDING CAB REQUEST TO VARIG TO FILE SHCEDULES. IN HIGHLY AGITATED FASHION, BRIG EDIVIO RELAYED SUBSTANCE OF AUG 12 LETTER FROM CAB TO VARIG REPRESENTATIVE IN WASHINGTON. BRIG EDIVIO CLASSIFIED LANGUAGE USED IN LETTER AS ALMOST WARLIKE AND MOST INAPPROPRIATE IN VIEW OF IMPENDING CONSULTATIONS.

2. BRIG EDIVIO ALSO STATED THAT, IN CERNAI'S VIEW, THE US/BRAZIL AIR BILATERAL DOES NOT REPEAT NOT REQUIRE SCHEDULED AIR CARRIERS TO FILE SCHEDULES WITH THE HOST GOVERNMENT. THE FILING OF SCHEDULES WAS A RIGHT AND NOT AN OBLIGATION, THUS, ACCORDING TO BRIG EDIVIO, WHEN A CARRIER WISHES TO CHANGE ITS SCHEDULE IT IS OBLIGED TO NOTIFY THE HOST GOVERNMENT THIRTY DAYS IN ADVANCE AFTER WHICH TIME THE HOST GOVERNMENT IS REQUIRED TO ACCEPT THE CHANGE. BRIG EDIVIO WENT ON TO SAY THAT IN THE CASE OF VARIG THERE IS NO DESIRE TO CHANGE SCHEDULES AND THE CAB ALREADY KNOWS THE AIRLINE'S PRESNNT SCHEDULES. THEREFORE, IN BRIG EDIVIO'S OPINION, VARIG IS
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WITHIN ITS RIGHTS UNDER THE BILATERAL IN NOT FILING ITS

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SCHEDULES WITH THE CAB. HE SAID THAT THE DAC HAS NEVER REQUIRED EITHER PAN AM OR BRANIFF TO FILE SCHEDULES.

3. BRIG EDIVIO ALSO STATED THAT CERNAI HAS RESPONDED TO THE EMBASSY'S NOTE REQUESTING CONSULTATONS. RESPONSE WAS SENT TO AIR MINISTER ON AUGUST 4, WHO FORWARDED IT TO ITAMARITY ON AUG 10. CERNAI RESPONSE ACCEPTS USG REQUEST AND PROPOSED AGENDA AS OUTLINED IN NOTE AND SUGGESTS THAT CONSULTATIONS TAKE PLACE ANYTIME AFTER OCT 1.

4. CONGEN OFFICER INFORMED BRIG EDIVIO THAT HE WOULD REPORT SUBSTANCE OF CONVERSATION TO EMBASSY FOR TRANSMITTAL TO DEPARTMENT. CONGEN OFFICER ALSO STATED THAT HE WAS NOT AWARE OF CAB LETTER NOR OF SEQUENCE OF EVENTS WHICH CAUSED LETTER TO BE WRITTEN. CONGEN OFFICER DECLINED TO COMMENT ON QUESTION OF SCHEDULE FILING REQUIREMENTS UNDER BILATERAL AGREEMENT.

5. WE WOULD APPRECIATE DEPARTMENT'S VIEWS SOONEST REGARDING CERNAI'S CONTENTION ON SCHEDULE RIGHTS UNDER BILATERAL.
CRIMMINS

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